

Exhibit A

FILED
4/14/2022 3:29 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L003425
Calendar, H
17507644

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

DEBORAH MELTON,)	
)	
<i>Plaintiff,</i>)	
v.)	Case No.: 2022L003425
)	
MEDTRONIC INC., a Foreign Corporation, and)	
MEDTRONIC MINIMED INC., a)	
Foreign Corporation,)	
)	
<i>Defendants.</i>)	

COMPLAINT AT LAW

Plaintiff, DEBORAH MELTON, by and through her attorneys, MDR LAW, LLC, for his Complaint against Defendants, MEDTRONIC INC., a Foreign Corporation, and MEDTRONIC MINIMED INC., a Foreign Corporation, hereby alleges as follows:

INTRODUCTION

1. This is an action for damages relating to Defendants MEDTRONIC INC.'S and MEDTRONIC MINIMED INC.'S design, development, testing, assembling, manufacturing, packaging, labeling, preparing, distributing, marketing, advertising, promoting, supplying, and/or selling the defective insulin pumps, sold under the name of Medtronic MiniMed Paradigm MMT-723 Insulin Pump.

COUNT I - STRICT PRODUCT LIABILITY

DEFENDANTS, MEDTRONIC INC. and MEDTRONIC MINIMED INC.

2. Plaintiff is a citizen and resident of County of McHenry, village of Algonquin, State of Illinois.

3. At all times material hereto, Defendant, MEDTRONIC INC., was and is a Foreign Corporation organized and existing under the laws of Minnesota, with its principal place of

business at 710 Medtronic Parkway, Minneapolis, Minnesota 55432. At all times relevant to this Complaint, this Defendant conducted business in the State of Illinois.

4. At all times material hereto, Defendant, MEDTRONIC MINIMED INC., was and is a Foreign Corporation organized and existing under the laws of Delaware, with its principal place of business at 18000 Devonshire St., Northridge, California 91325. At all times relevant to this Complaint, this Defendant conducted business in the State of Illinois.

5. On and before April 20, 2020, the collective Defendants were engaged in the business of designing, developing, testing, assembling, manufacturing, packaging, labeling, preparing, distributing, marketing, advertising, promoting, and/or supplying, insulin pumps designed to deliver a specific amount of insulin into the blood stream of patients with diabetes, including the Medtronic MiniMed Paradigm MMT-723 Insulin Pump.

6. When functioning properly, these insulin pumps and their components mimic the ways a healthy pancreas works by delivering continuous and controlled doses of rapid-acting insulin, 24 hours a day, to match the user's body needs.

7. On and before April 20, 2020, Plaintiff Deborah Melton was a type 1 diabetic.

8. Because of her diabetic condition, Plaintiff Deborah Melton managed her diabetes through the use of insulin pump therapy, specifically, by using the Defendants' Medtronic MiniMed Paradigm MMT-723 Insulin Pump to deliver the necessary amount of insulin into her blood stream to properly treat her diabetes.

9. At all relevant times, the collective Defendants had a duty to design, develop, test, assemble, manufacture, pack, label, prepare, distribute, market, advertise, promote, supply, and/or sell its insulin pumps, Medtronic MiniMed Paradigm MMT-723 Insulin Pump, so that it was neither defective, nor unreasonably dangerous when put to the use for which it was designed,

developed, assembled, manufactured, packed, labeled, prepared, distributed, marketed, advertised, promoted, and/or supplied.

10. At the time Defendants' Medtronic MiniMed Paradigm MMT-723 Insulin Pump, including Plaintiff's pump, was manufactured, sold, and left the possession of the Defendants, the pump was defective, unsafe, and unreasonable dangerous for its intended and foreseeable use in one or more of the following ways:

- a) The product was unreasonable dangerous in design due to the risk of cyber-attacks that could influence how the pump delivers insulin;
- b) The product was unreasonable dangerous in design in that it could either under – or overdeliver insulin;
- c) The product was unreasonable dangerous in that the Defendants failed to ensure that the product they provided was safe and used correctly through proper design, testing, research, adequate instruction, post-market surveillance, and appropriate modifications;
- d) The product was unreasonable dangerous in that the Defendants failed to anticipate the environment in which the product would be used and to design against reasonably foreseeable risk attending the product's use in that setting, including misuse or alteration;
- e) Failed to give an adequate warning of known or reasonably foreseeable dangers arising from the use of their products, including the risk of either under – or overdeliv of insulin;
- f) It did not include proper instructions to protect the end-user from harm; and/or
- g) It was otherwise unreasonably dangerous and defective.

11. The unreasonable dangerous, unsafe, and defective conditions, continued up to the time of the occurrence complained of.

12. On and around April 20, 2020, Plaintiff Deborah Melton's Medtronic MiniMed Paradigm MMT-723 Insulin Pump malfunctioned and Plaintiff suffered a severe diabetic ketoacidosis episode.

13. As a direct result and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendants, MEDTRONIC INC. and MEDTRONIC MINIMED INC., Plaintiff Deborah Melton has been injured and has in the past, and will in the future incur legal obligations for hospital, medical, rehabilitation and related services and treatment; was and will be hindered and prevented from attending her usual duties and affairs of life and has lost and will lose the value of that time as aforementioned. Further, Plaintiff, Deborah Melton, also suffered and will in the future suffer great pain and anguish from said injuries.

WHEREFORE, Plaintiff Deborah Melton, demands judgment against the Defendants, MEDTRONIC INC. and MEDTRONIC MINIMED INC., in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs for said suit.

COUNT II – NEGLIGENCE

NEGLIGENCE AGAINST MEDTRONIC INC. and MEDTRONIC MINIMED INC.

1-8. Plaintiff Deborah Melton, adopts and re-alleges Paragraph 1 through 8, inclusive of Count I as Paragraph 1 through 8, inclusive, of this Count II, as if fully set forth herein.

9. At all times relevant to this Complaint, the collective Defendants knew or should have known that their products were unreasonably dangerous and defective when used as designed and directed.

10. At all relevant times, the collective Defendants had a duty to use ordinary care in the design, preparation, manufacture, advertising, distribution, supply, and sale of their insulin pumps, including the Medtronic MiniMed Paradigm MMT-723 Insulin Pump, so that their pumps would be safe for use by users such as the Plaintiff.

11. In breach of the aforesaid duty, before, at the time, and after the collective Defendants manufactured, sold and/or distributed the Medtronic MiniMed Paradigm MMT-723 Insulin Pump used by the Plaintiff, the Defendants were careless and negligent in one or more of the following ways:

- a) Failed to conduct pre and post market safety tests and studies;
- b) Failed to design their product to prevent injury to users such as the Plaintiff;
- c) Failed to implement and execute corrective and preventable actions to eliminate injuries;
- c) Failed to perform a proper market withdrawal after the recall;
- d) Continued to promote and market the products despite ongoing failures and known defects;
- e) Failed to educate and instruct users such as the Plaintiff about the characteristics of their product and proper way to use them;
- f) Failed to provide adequate instructions or warnings for the use of their product;
- g) Was otherwise careless and negligent.

12. As a direct result and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendants, MEDTRONIC INC. and MEDTRONIC MINIMED INC., Plaintiff Deborah Melton was injured when her pump malfunctioned and she suffered a severe diabetic ketoacidosis episode. Plaintiff has been injured and has in the past, and will in the future incur legal obligations for hospital, medical, rehabilitation and related services and treatment; was and will be hindered and prevented from attending her usual duties and affairs of life and has lost and will lose the value of that time as aforementioned. Further, Plaintiff, Deborah Melton, also suffered and will in the future suffer great pain and anguish from said injuries.

WHEREFORE, Plaintiff Deborah Melton, demands judgment against the Defendants, MEDTRONIC INC. and MEDTRONIC MINIMED INC., in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs for said suit.

Respectfully submitted,

By: /s/Richard J. Rosenblum
On behalf of Plaintiff

Richard J. Rosenblum, Esq.
rich@mdr-law.com
Florina Bandula, Esq.
florinab@mdr-law.com
MDR LAW, LLC
180 N LaSalle Street, Suite 3650
Chicago, IL 60601
P: (312) 229-5555
F: (312) 229-5556

DEBORAH MELTON,

)

Calendar, H

Plaintiff,

3

V.

Case No.:2022L003425

MEDTRONIC INC., a Foreign Corporation, and)
MEDTRONIC MINIMED INC., a)
Foreign Corporation,)

Defendants.

)

AFFIDAVIT

I, Richard J. Rosenblum, Esq., being first duly sworn on oath, deposes and states that if I were called upon to testify, I would do so as follows:

1. That I am an attorney at law licensed to practice in the State of Illinois.
 2. That I am an Attorney with the law firm of MDR LAW, LLC, attorneys of record for Plaintiff, DEBORAH MELTON.

3. That based upon the information available to me at the present time, the total amount of money damages sought in this matter exceeds \$50,000.00.

 4. That this Affidavit is submitted in compliance with Illinois Supreme Court Rule 222(b).

FURTHER YOUR AFFIANT SAYETH NAUGHT.

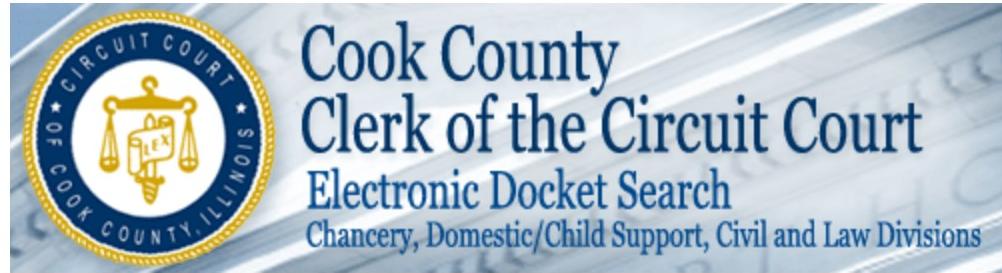
/s/ Richard J. Rosenblum, Esq.

SUBSCRIBED AND SWORN TO
Before this 14 day of April, 2022.

NOTARY PUBLIC



Exhibit B



Case Information Summary for Case Number
2022-L-003425

Filing Date: 04/14/2022

Case Type: Product Liability
- Non Jury

Division: Law Division

District: First Municipal

Ad Damnum: \$0.00

Calendar: H

Party Information

Plaintiff(s)

Melton, Deborah

Attorney(s)

Defendant(s)

Medtronic Minimed Inc., a

Defendant Date of Service Attorney(s)

Medtronic Inc., a Foreign

Case Activity

Activity Date: 04/14/2022

Participant: Melton, Deborah

Personal Injury (Product Liability) Complaint Filed

Activity Date: 04/14/2022

Participant: Melton, Deborah

Summons Issued And Returnable

Activity Date: 04/14/2022

Participant: Melton, Deborah

Summons Issued And Returnable

Activity Date: 04/14/2022

Participant: Melton, Deborah

New Case Filing

Date: 06/23/2022

Court Time: 0900

Court Room: 2209

Activity Date: 05/13/2022

Participant: Melton, Deborah

Notice Of Filing Filed

Activity Date: 05/13/2022

Participant: Melton, Deborah

Proof Of Service Filed

Activity Date: 05/13/2022

Participant: Melton, Deborah

Proof Of Service Filed

[Back to Top](#)

Please note: Neither the Circuit Court of Cook County nor the Clerk of the Circuit Court of Cook County warrants the accuracy, completeness, or the currency of this data. This data is not an official record of the Court or the Clerk and may not be represented as an official court record.

If data does not appear in a specific field, we likely do not have the responsive data in our master database.

Exhibit C



J9M / ALL

Transmittal Number: 24832434
Date Processed: 04/27/2022

Notice of Service of Process

Primary Contact: Vicki Ann Swanson
Medtronic
710 Medtronic Pkwy
Minneapolis, MN 55432-5603

Electronic copy provided to: Julie Bonczek

Entity:	Medtronic, Inc. Entity ID Number 3810357
Entity Served:	Medtronic Inc.
Title of Action:	Deborah Melton vs. Medtronic Inc.
Matter Name/ID:	Deborah Melton vs. Medtronic Inc. (12234398)
Document(s) Type:	Summons/Complaint
Nature of Action:	Product Liability
Court/Agency:	Cook County Circuit Court, IL
Case/Reference No:	2022L003425
Jurisdiction Served:	Illinois
Date Served on CSC:	04/22/2022
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Mdr Law, LLC 312-229-5555

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

All Law Division initial Case Management Dates will be heard via ZOOM.

For more information and Zoom Meeting IDs go to https://www.cookcountycourt.org/HOME/Zoom-Links/Agg4906_SelectTab/12

Remote Court date: 6/23/2022 9:00 AM

FILED DATE: 4/14/2022 3:29 PM 2022L003425

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2120 - Served	2121 - Served	2620 - Sec. of State
2220 - Not Served	2221 - Not Served	2621 - Alias Sec of State
2320 - Served By Mail	2321 - Served By Mail	
2420 - Served By Publication	2421 - Served By Publication	
Summons - Alias Summons		(12/01/20) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Name all Parties

DEBORAH MELTON,

Plaintiff(s)

v.

MEDTRONIC INC., a Foreign Corporation, and
MEDTRONIC MINIMED INC., a Foreign Corporation,

Defendant(s)

2022L003425

Case No. _____

Please Serve:

Medtronic Inc., c/o
Illinois Corporation Service Company
801 Adlai Stevenson Dr.
Springfield, IL 62703

Address of Defendant(s)

Please serve as follows (check one): Certified Mail Sheriff Service Alias

SUMMONS

To each Defendant:

You have been named a defendant in the complaint in this case, a copy of which is hereto attached. You are summoned and required to file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

THERE WILL BE A FEE TO FILE YOUR APPEARANCE.

To file your written appearance/answer **YOU DO NOT NEED TO COME TO THE COURTHOUSE.** You will need: a computer with internet access; an email address; a completed Appearance form that can be found at <http://www.illinoiscourts.gov/Forms/approved/procedures/appearance.asp>; and a credit card to pay any required fees.

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

Summons - Alias Summons

(12/01/20) CCG 0001 B

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp> or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit www.illinoislegalaid.org.

If you are unable to pay your court fees, you can apply for a fee waiver. For information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to www.illinoislegalaid.org. You can also ask your local circuit clerk's office for a fee waiver application.

Please call or email the appropriate clerk's office location (on Page 3 of this summons) to get your court hearing date AND for information whether your hearing will be held by video conference or by telephone. The Clerk's office is open Mon - Fri, 8:30 am - 4:30 pm, except for court holidays.

NOTE: Your appearance date is NOT a court date. It is the date that you have to file your completed appearance by. You may file your appearance form by efiling unless you are exempted.

A court date will be set in the future and you will be notified by email (either to the email address that you used to register for efiling, or that you provided to the clerk's office).

CONTACT THE CLERK'S OFFICE for information regarding COURT DATES by visiting our website: cookcountyclerkofcourt.org; download our mobile app from the AppStore or Google play, or contact the appropriate clerk's office location listed on Page 3.

To the officer: (Sheriff Service)

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than thirty (30) days after its date.

Atty. No.: 41994
 Pro Se 99500

Name: Richard J. Rosenblum, Esq/ MDR LAW

Atty. for (if applicable):

Plaintiff

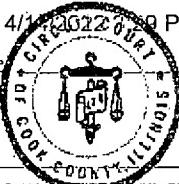
Address: 180 N. LaSalle St. , Suite 3650

City: Chicago

State: IL Zip: 60601

Telephone: 312-229-5555

Primary Email: rich@mdr-law.com

4/14/2022 6:29 PM IRIS Y. MARTINEZ
 Witness date: _____


IRIS Y. MARTINEZ, Clerk of Court

Service by Certified Mail: _____

Date of Service: _____
 (To be inserted by officer on copy left with employer or other person)

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

GET YOUR COURT DATE BY CALLING IN OR BY EMAIL

CALL OR SEND AN EMAIL MESSAGE to the telephone number or court date email address below for the appropriate division, district or department to request your next court date. Email your case number, or, if you do not have your case number, email the Plaintiff or Defendant's name for civil case types, or the Defendant's name and birthdate for a criminal case.

CHANCERY DIVISION

Court date EMAIL: ChanCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5133

CIVIL DIVISION

Court date EMAIL: CivCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5116

COUNTY DIVISION

Court date EMAIL: CntyCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5710

DOMESTIC RELATIONS/CHILD SUPPORT DIVISION

Court date EMAIL: DRCourtDate@cookcountycourt.com
OR
ChildSupCourtDate@cookcountycourt.com
Gen. Info: (312) 603-6300

DOMESTIC VIOLENCE

Court date EMAIL: DVCourtDate@cookcountycourt.com
Gen. Info: (312) 325-9500

LAW DIVISION

Court date EMAIL: LawCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5426

PROBATE DIVISION

Court date EMAIL: ProbCourtDate@cookcountycourt.com
Gen. Info: (312) 603-6441

ALL SUBURBAN CASE TYPES

DISTRICT 2 - SKOKIE

Court date EMAIL: D2CourtDate@cookcountycourt.com
Gen. Info: (847) 470-7250

DISTRICT 3 - ROLLING MEADOWS

Court date EMAIL: D3CourtDate@cookcountycourt.com
Gen. Info: (847) 818-3000

DISTRICT 4 - MAYWOOD

Court date EMAIL: D4CourtDate@cookcountycourt.com
Gen. Info: (708) 865-6040

DISTRICT 5 - BRIDGEVIEW

Court date EMAIL: D5CourtDate@cookcountycourt.com
Gen. Info: (708) 974-6500

DISTRICT 6 - MARKHAM

Court date EMAIL: D6CourtDate@cookcountycourt.com
Gen. Info: (708) 232-4551

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4/14/2022 3:29 PM
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COUNTY DEPARTMENT, LAW DIVISION**

DEBORAH MELTON,)
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v.)
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MEDTRONIC INC., a Foreign Corporation, and)
MEDTRONIC MINIMED INC., a)
Foreign Corporation,)
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Defendants.)

Case No.: 2022L003425

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INTRODUCTION

1. This is an action for damages relating to Defendants MEDTRONIC INC.'S and MEDTRONIC MINIMED INC.'S design, development, testing, assembling, manufacturing, packaging, labeling, preparing, distributing, marketing, advertising, promoting, supplying, and/or selling the defective insulin pumps, sold under the name of Medtronic MiniMed Paradigm MMT-723 Insulin Pump.

COUNT I - STRICT PRODUCT LIABILITY

DEFENDANTS, MEDTRONIC INC. and MEDTRONIC MINIMED INC.

2. Plaintiff is a citizen and resident of County of McHenry, village of Algonquin, State of Illinois.

3. At all times material hereto, Defendant, MEDTRONIC INC., was and is a Foreign Corporation organized and existing under the laws of Minnesota, with its principal place of

business at 710 Medtronic Parkway, Minneapolis, Minnesota 55432. At all times relevant to this Complaint, this Defendant conducted business in the State of Illinois.

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7. On and before April 20, 2020, Plaintiff Deborah Melton was a type 1 diabetic.

8. Because of her diabetic condition, Plaintiff Deborah Melton managed her diabetes through the use of insulin pump therapy, specifically, by using the Defendants' Medtronic MiniMed Paradigm MMT-723 Insulin Pump to deliver the necessary amount of insulin into her blood stream to properly treat her diabetes.

9. At all relevant times, the collective Defendants had a duty to design, develop, test, assemble, manufacture, pack, label, prepare, distribute, market, advertise, promote, supply, and/or sell its insulin pumps, Medtronic MiniMed Paradigm MMT-723 Insulin Pump, so that it was neither defective, nor unreasonably dangerous when put to the use for which it was designed,

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10. At the time Defendants' Medtronic MiniMed Paradigm MMT-723 Insulin Pump, including Plaintiff's pump, was manufactured, sold, and left the possession of the Defendants, the pump was defective, unsafe, and unreasonable dangerous for its intended and foreseeable use in one or more of the following ways:

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- b) The product was unreasonable dangerous in design in that it could either under – or overdeliver insulin;
- c) The product was unreasonable dangerous in that the Defendants failed to ensure that the product they provided was safe and used correctly through proper design, testing, research, adequate instruction, post-market surveillance, and appropriate modifications;
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11. The unreasonable dangerous, unsafe, and defective conditions, continued up to the time of the occurrence complained of.

12. On and around April 20, 2020, Plaintiff Deborah Melton's Medtronic MiniMed Paradigm MMT-723 Insulin Pump malfunctioned and Plaintiff suffered a severe diabetic ketoacidosis episode.

13. As a direct result and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendants, MEDTRONIC INC. and MEDTRONIC MINIMED INC., Plaintiff Deborah Melton has been injured and has in the past, and will in the future incur legal obligations for hospital, medical, rehabilitation and related services and treatment; was and will be hindered and prevented from attending her usual duties and affairs of life and has lost and will lose the value of that time as aforementioned. Further, Plaintiff, Deborah Melton, also suffered and will in the future suffer great pain and anguish from said injuries.

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COUNT II – NEGLIGENCE

NEGLIGENCE AGAINST MEDTRONIC INC. and MEDTRONIC MINIMED INC.

1-8. Plaintiff Deborah Melton, adopts and re-alleges Paragraph 1 through 8, inclusive of Count I as Paragraph 1 through 8, inclusive, of this Count II, as if fully set forth herein.

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- a) Failed to conduct pre and post market safety tests and studies;
- b) Failed to design their product to prevent injury to users such as the Plaintiff;
- c) Failed to implement and execute corrective and preventable actions to eliminate injuries;
- c) Failed to perform a proper market withdrawal after the recall;
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- e) Failed to educate and instruct users such as the Plaintiff about the characteristics of their product and proper way to use them;
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Respectfully submitted,

By: /s/Richard J. Rosenblum
On behalf of Plaintiff

Richard J. Rosenblum, Esq.
rich@mdr-law.com
Florina Bandula, Esq.
florinab@mdr-law.com
MDR LAW, LLC
180 N LaSalle Street, Suite 3650
Chicago, IL 60601
P: (312) 229-5555
F: (312) 229-5556

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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
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DEBORAH MELTON,)	Case No. 2022L003425
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MEDTRONIC INC., a Foreign Corporation, and)	
MEDTRONIC MINIMED INC., a)	
Foreign Corporation,)	
)	
<i>Defendants.</i>)	

AFFIDAVIT

I, Richard J. Rosenblum, Esq., being first duly sworn on oath, deposes and states that if I were called upon to testify, I would do so as follows:

1. That I am an attorney at law licensed to practice in the State of Illinois.
2. That I am an Attorney with the law firm of MDR LAW, LLC, attorneys of record for Plaintiff, DEBORAH MELTON.
3. That based upon the information available to me at the present time, the total amount of money damages sought in this matter exceeds \$50,000.00.
4. That this Affidavit is submitted in compliance with Illinois Supreme Court Rule 222(b).

FURTHER YOUR AFFIANT SAYETH NAUGHT.

/s/ Richard J. Rosenblum, Esq.

SUBSCRIBED AND SWORN TO
Before this 14 day of April, 2022.



NOTARY PUBLIC

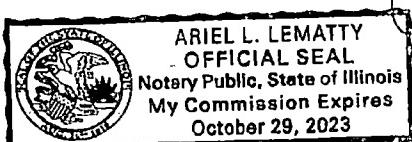


Exhibit D



null / ALL

Transmittal Number: 24871723
Date Processed: 05/04/2022

Notice of Service of Process

Primary Contact: Vicki Ann Swanson
Medtronic
710 Medtronic Pkwy
Minneapolis, MN 55432-5603

Electronic copy provided to: Julie Bonczek

Entity:	Medtronic MiniMed, Inc. Entity ID Number 1600323
Entity Served:	Medtronic Minimed Inc.
Title of Action:	Deborah Melton vs. Medtronic Inc.
Matter Name/ID:	Deborah Melton vs. Medtronic Inc. (12234398)
Document(s) Type:	Summons/Complaint
Nature of Action:	Product Liability
Court/Agency:	Cook County Circuit Court, IL
Case/Reference No:	2022L003425
Jurisdiction Served:	California
Date Served on CSC:	05/04/2022
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	MDR Law, LLC 312-229-5555

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To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

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IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L003425
Calendar, H
17507644

2120 - Served 2121 - Served 2620 - Sec. of State
2220 - Not Served 2221 - Not Served 2621 - Alias Sec of State
2320 - Served By Mail 2321 - Served By Mail
2420 - Served By Publication 2421 - Served By Publication
Summons - Alias Summons

(12/01/20) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Name all Parties

DEBORAH MELTON,

Plaintiff(s)

v.

MEDTRONIC INC., a Foreign Corporation, and
MEDTRONIC MINIMED INC., a Foreign Corporation,

Defendant(s)

2022L003425

Case No.

Please Serve:
Medtronic Minimed Inc., c/o
CT Corporation System
818 W. 7th St.
Los Angeles, CA 90017

Address of Defendant(s)

Please serve as follows (check one): Certified Mail Sheriff Service Alias

SUMMONS

To each Defendant:

You have been named a defendant in the complaint in this case, a copy of which is hereto attached. You are summoned and required to file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

THERE WILL BE A FEE TO FILE YOUR APPEARANCE.

To file your written appearance/answer **YOU DO NOT NEED TO COME TO THE COURTHOUSE**. You will need: a computer with internet access; an email address; a completed Appearance form that can be found at <http://www.illinoiscourts.gov/Forms/approved/procedures/appearance.asp>; and a credit card to pay any required fees.

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

Summons - Alias Summons

(12/01/20) CCG 0001 B

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp> or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit www.illinoislegalaid.org.

If you are unable to pay your court fees, you can apply for a fee waiver. For information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to www.illinoislegalaid.org. You can also ask your local circuit clerk's office for a fee waiver application.

Please call or email the appropriate clerk's office location (on Page 3 of this summons) to get your court hearing date AND for information whether your hearing will be held by video conference or by telephone. The Clerk's office is open Mon - Fri, 8:30 am - 4:30 pm, except for court holidays.

NOTE: Your appearance date is NOT a court date. It is the date that you have to file your completed appearance by. You may file your appearance form by efiling unless you are exempted.

A court date will be set in the future and you will be notified by email (either to the email address that you used to register for efiling, or that you provided to the clerk's office).

CONTACT THE CLERK'S OFFICE for information regarding COURT DATES by visiting our website: cookcountyclerkofcourt.org; download our mobile app from the AppStore or Google play, or contact the appropriate clerk's office location listed on Page 3.

To the officer: (Sheriff Service)

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than thirty (30) days after its date.

Atty. No.: 41994
 Pro Se 99500

Name: Richard J. Rosenblum, Esq/ MDR LAW

Atty. for (if applicable):

Plaintiff _____

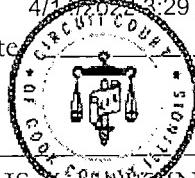
Address: 180 N. LaSalle St. , Suite 3650

City: Chicago _____

State: IL Zip: 60601

Telephone: 312-229-5555

Primary Email: rich@mdr-law.com

4/1/2022 3:29 PM IRIS Y. MARTINEZ
Witness date: _____

IRIS Y. MARTINEZ, Clerk of Court

Service by Certified Mail: _____

Date of Service: _____
(To be inserted by officer on copy left with employer or other person)

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

GET YOUR COURT DATE BY CALLING IN OR BY EMAIL

CALL OR SEND AN EMAIL MESSAGE to the telephone number or court date email address below for the appropriate division, district or department to request your next court date. Email your case number, or, if you do not have your case number, email the Plaintiff or Defendant's name for civil case types, or the Defendant's name and birthdate for a criminal case.

CHANCERY DIVISION

Court date **EMAIL:** ChanCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5133

CIVIL DIVISION

Court date **EMAIL:** CivCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5116

COUNTY DIVISION

Court date **EMAIL:** CntyCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5710

DOMESTIC RELATIONS/CHILD SUPPORT DIVISION

Court date **EMAIL:** DRCourtDate@cookcountycourt.com
OR
ChildSupCourtDate@cookcountycourt.com
Gen. Info: (312) 603-6300

DOMESTIC VIOLENCE

Court date **EMAIL:** DVCourtDate@cookcountycourt.com
Gen. Info: (312) 325-9500

LAW DIVISION

Court date **EMAIL:** LawCourtDate@cookcountycourt.com
Gen. Info: (312) 603-5426

PROBATE DIVISION

Court date **EMAIL:** ProbCourtDate@cookcountycourt.com
Gen. Info: (312) 603-6441

ALL SUBURBAN CASE TYPES

DISTRICT 2 - SKOKIE

Court date **EMAIL:** D2CourtDate@cookcountycourt.com
Gen. Info: (847) 470-7250

DISTRICT 3 - ROLLING MEADOWS

Court date **EMAIL:** D3CourtDate@cookcountycourt.com
Gen. Info: (847) 818-3000

DISTRICT 4 - MAYWOOD

Court date **EMAIL:** D4CourtDate@cookcountycourt.com
Gen. Info: (708) 865-6040

DISTRICT 5 - BRIDGEVIEW

Court date **EMAIL:** D5CourtDate@cookcountycourt.com
Gen. Info: (708) 974-6500

DISTRICT 6 - MARKHAM

Court date **EMAIL:** D6CourtDate@cookcountycourt.com
Gen. Info: (708) 232-4551

FILED
 4/14/2022 3:29 PM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 2022L003425
 Calendar, H
 17507644

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION**

DEBORAH MELTON,

)

Calendar, H

Plaintiff,

)

2022L003425

v.

)

Case No.:

MEDTRONIC INC., a Foreign Corporation, and
 MEDTRONIC MINIMED INC., a
 Foreign Corporation,

)

Defendants.

)

COMPLAINT AT LAW

Plaintiff, DEBORAH MELTON, by and through her attorneys, MDR LAW, LLC, for his Complaint against Defendants, MEDTRONIC INC., a Foreign Corporation, and MEDTRONIC MINIMED INC., a Foreign Corporation, hereby alleges as follows:

INTRODUCTION

1. This is an action for damages relating to Defendants MEDTRONIC INC.'S and MEDTRONIC MINIMED INC.'S design, development, testing, assembling, manufacturing, packaging, labeling, preparing, distributing, marketing, advertising, promoting, supplying, and/or selling the defective insulin pumps, sold under the name of Medtronic MiniMed Paradigm MMT-723 Insulin Pump.

COUNT I - STRICT PRODUCT LIABILITY

DEFENDANTS, MEDTRONIC INC. and MEDTRONIC MINIMED INC.

2. Plaintiff is a citizen and resident of County of McHenry, village of Algonquin, State of Illinois.

3. At all times material hereto, Defendant, MEDTRONIC INC., was and is a Foreign Corporation organized and existing under the laws of Minnesota, with its principal place of

business at 710 Medtronic Parkway, Minneapolis, Minnesota 55432. At all times relevant to this Complaint, this Defendant conducted business in the State of Illinois.

4. At all times material hereto, Defendant, MEDTRONIC MINIMED INC., was and is a Foreign Corporation organized and existing under the laws of Delaware, with its principal place of business at 18000 Devonshire St., Northridge, California 91325. At all times relevant to this Complaint, this Defendant conducted business in the State of Illinois.

5. On and before April 20, 2020, the collective Defendants were engaged in the business of designing, developing, testing, assembling, manufacturing, packaging, labeling, preparing, distributing, marketing, advertising, promoting, and/or supplying, insulin pumps designed to deliver a specific amount of insulin into the blood stream of patients with diabetes, including the Medtronic MiniMed Paradigm MMT-723 Insulin Pump.

6. When functioning properly, these insulin pumps and their components mimic the ways a healthy pancreas works by delivering continuous and controlled doses of rapid-acting insulin, 24 hours a day, to match the user's body needs.

7. On and before April 20, 2020, Plaintiff Deborah Melton was a type 1 diabetic.

8. Because of her diabetic condition, Plaintiff Deborah Melton managed her diabetes through the use of insulin pump therapy, specifically, by using the Defendants' Medtronic MiniMed Paradigm MMT-723 Insulin Pump to deliver the necessary amount of insulin into her blood stream to properly treat her diabetes.

9. At all relevant times, the collective Defendants had a duty to design, develop, test, assemble, manufacture, pack, label, prepare, distribute, market, advertise, promote, supply, and/or sell its insulin pumps, Medtronic MiniMed Paradigm MMT-723 Insulin Pump, so that it was neither defective, nor unreasonably dangerous when put to the use for which it was designed,

developed, assembled, manufactured, packed, labeled, prepared, distributed, marketed, advertised, promoted, and/or supplied.

10. At the time Defendants' Medtronic MiniMed Paradigm MMT-723 Insulin Pump, including Plaintiff's pump, was manufactured, sold, and left the possession of the Defendants, the pump was defective, unsafe, and unreasonable dangerous for its intended and foreseeable use in one or more of the following ways:

- a) The product was unreasonable dangerous in design due to the risk of cyber-attacks that could influence how the pump delivers insulin;
- b) The product was unreasonable dangerous in design in that it could either under – or overdeliver insulin;
- c) The product was unreasonable dangerous in that the Defendants failed to ensure that the product they provided was safe and used correctly through proper design, testing, research, adequate instruction, post-market surveillance, and appropriate modifications;
- d) The product was unreasonable dangerous in that the Defendants failed to anticipate the environment in which the product would be used and to design against reasonably foreseeable risk attending the product's use in that setting, including misuse or alteration;
- e) Failed to give an adequate warning of known or reasonably foreseeable dangers arising from the use of their products, including the risk of either under – or overdeliviy of insulin;
- f) It did not include proper instructions to protect the end-user from harm; and/or
- g) It was otherwise unreasonably dangerous and defective.

11. The unreasonable dangerous, unsafe, and defective conditions, continued up to the time of the occurrence complained of.

12. On and around April 20, 2020, Plaintiff Deborah Melton's Medtronic MiniMed Paradigm MMT-723 Insulin Pump malfunctioned and Plaintiff suffered a severe diabetic ketoacidosis episode.

13. As a direct result and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendants, MEDTRONIC INC. and MEDTRONIC MINIMED INC., Plaintiff Deborah Melton has been injured and has in the past, and will in the future incur legal obligations for hospital, medical, rehabilitation and related services and treatment; was and will be hindered and prevented from attending her usual duties and affairs of life and has lost and will lose the value of that time as aforementioned. Further, Plaintiff, Deborah Melton, also suffered and will in the future suffer great pain and anguish from said injuries.

WHEREFORE, Plaintiff Deborah Melton, demands judgment against the Defendants, MEDTRONIC INC. and MEDTRONIC MINIMED INC., in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs for said suit.

COUNT II – NEGLIGENCE

NEGLIGENCE AGAINST MEDTRONIC INC. and MEDTRONIC MINIMED INC.

1-8. Plaintiff Deborah Melton, adopts and re-alleges Paragraph 1 through 8, inclusive of Count I as Paragraph 1 through 8, inclusive, of this Count II, as if fully set forth herein.

9. At all times relevant to this Complaint, the collective Defendants knew or should have known that their products were unreasonably dangerous and defective when used as designed and directed.

10. At all relevant times, the collective Defendants had a duty to use ordinary care in the design, preparation, manufacture, advertising, distribution, supply, and sale of their insulin pumps, including the Medtronic MiniMed Paradigm MMT-723 Insulin Pump, so that their pumps would be safe for use by users such as the Plaintiff.

11. In breach of the aforesaid duty, before, at the time, and after the collective Defendants manufactured, sold and/or distributed the Medtronic MiniMed Paradigm MMT-723 Insulin Pump used by the Plaintiff, the Defendants were careless and negligent in one or more of the following ways:

- a) Failed to conduct pre and post market safety tests and studies;
- b) Failed to design their product to prevent injury to users such as the Plaintiff;
- c) Failed to implement and execute corrective and preventable actions to eliminate injuries;
- c) Failed to perform a proper market withdrawal after the recall;
- d) Continued to promote and market the products despite ongoing failures and known defects;
- e) Failed to educate and instruct users such as the Plaintiff about the characteristics of their product and proper way to use them;
- f) Failed to provide adequate instructions or warnings for the use of their product;
- g) Was otherwise careless and negligent.

12. As a direct result and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendants, MEDTRONIC INC. and MEDTRONIC MINIMED INC., Plaintiff Deborah Melton was injured when her pump malfunctioned and she suffered a severe diabetic ketoacidosis episode. Plaintiff has been injured and has in the past, and will in the future incur legal obligations for hospital, medical, rehabilitation and related services and treatment; was and will be hindered and prevented from attending her usual duties and affairs of life and has lost and will lose the value of that time as aforementioned. Further, Plaintiff, Deborah Melton, also suffered and will in the future suffer great pain and anguish from said injuries.

WHEREFORE, Plaintiff Deborah Melton, demands judgment against the Defendants, MEDTRONIC INC. and MEDTRONIC MINIMED INC., in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs for said suit.

Respectfully submitted,

By: /s/Richard J. Rosenblum _____

On behalf of Plaintiff

Richard J. Rosenblum, Esq.
rich@mdr-law.com
Florina Bandula, Esq.
florinab@mdr-law.com
MDR LAW, LLC
180 N LaSalle Street, Suite 3650
Chicago, IL 60601
P: (312) 229-5555
F: (312) 229-5556

DEBORAH MELTON,)
)
 Plaintiff,) Case No..2022L003425
 v.)
)
 MEDTRONIC INC., a Foreign Corporation, and)
 MEDTRONIC MINIMED INC., a)
 Foreign Corporation,)
)
 Defendants.)

AFFIDAVIT

I, Richard J. Rosenblum, Esq., being first duly sworn on oath, deposes and states that if I were called upon to testify, I would do so as follows:

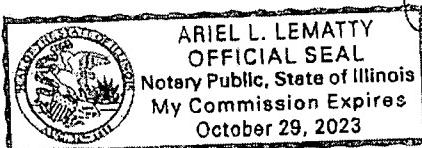
1. That I am an attorney at law licensed to practice in the State of Illinois.
2. That I am an Attorney with the law firm of MDR LAW, LLC, attorneys of record for Plaintiff, DEBORAH MELTON.
3. That based upon the information available to me at the present time, the total amount of money damages sought in this matter exceeds \$50,000.00.
4. That this Affidavit is submitted in compliance with Illinois Supreme Court Rule 222(b).

FURTHER YOUR AFFIANT SAYETH NAUGHT.

/s/ Richard J. Rosenblum, Esq.

SUBSCRIBED AND SWORN TO
Before this 14 day of April, 2022.



NOTARY PUBLIC


ARIEL L. LEMATTY
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
October 29, 2023

Exhibit E

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

DEBORAH MELTON,)	
)	
Plaintiff,)	
)	Case No.: 2022-L-003425
v.)	
)	Calendar H
MEDTRONIC INC., a Foreign Corporation, and)	
MEDTRONIC MINIMED INC., a Foreign)	
Corporation,)	
)	
Defendants.)	
)	

DEFENDANTS' NOTICE OF FILING OF NOTICE OF REMOVAL

PLEASE TAKE NOTICE that on May 20, 2022, Defendants Medtronic, Inc. and Medtronic MiniMed, Inc., by their undersigned counsel, removed this action to the United States District Court for the Northern District of Illinois, Eastern Division. A copy of the Notice of Removal is attached hereto as Exhibit 1. Pursuant to 28 U.S.C. § 1446(d), the filing and service of this Notice "shall effect the removal and the State court shall proceed no further unless and until the case is remanded."

Respectfully submitted,

May 20, 2022

/s/ Michael Baier

Gregory Ostfeld

Michael Baier

GREENBERG TRAURIG, LLP

77 West Wacker Drive, Suite 3100

Chicago, IL 60601

Telephone: 312-456-8400

Email: ostfeldg@gtlaw.com

baierm@gtlaw.com

**ATTORNEYS FOR DEFENDANTS MEDTRONIC, INC.
AND MEDTRONIC MINIMED, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document, and all attachments thereto, was filed with this Court using the Court's electronic filing system on May 20, 2022, and that on said date a copy of this document was transmitted by email to counsel below:

Richard J. Rosenblum, Esq.
Florina Bandula, Esq.
MDR LAW, LLC
180 N LaSalle Street, Suite 3650
Chicago, IL 60601
rich@mdr-law.com
florinab@mdr-law.com

Attorneys for Plaintiff

/s/ Michael Baier
Michael T. Baier